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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,505	11/13/2001	Urs Loher	215871US6PCT	6835
22850	7590	01/13/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEZAK, ARRIENNE M	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/926,505	Applicant(s) LOHER ET AL. <span style="float: right;">AJ</span>	
	Examiner Arrienne M. Lezak	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/29/02</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 6-9, 11, 12, 14-19 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of the teachings of US Patent Pub. US 2001/0009014 A1 to Savage.

3. Regarding Claims 1 & 12, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network, which method includes a chat server comprising a communications module for connection with telecommunications networks, (paragraphs #0003 & #0130) in which communication participants communicate with one another by means of communications terminals, (paragraphs #0011-0023 & Claims 1-55);

which server has a table in which information about communication forums is stored, (per pending Claim 12), (paragraph #0078 – “log file”), (Examiner further notes that Savage teaches dynamic creation and allocation of conferences among the media servers as facilitated by a single dispatch server wherein it would have been obvious to incorporate a table into said dispatch server for purposes of said dynamic allocation as said conference database tables are well known in the art, (see Krishnaswamy et al. below);

and which server has a command module that is set up such that it is able to receive and execute commands from the said communication participants, (paragraphs #0011-0023),

the said command module enabling the said communication participants to select one of the said communication forums by means of the said commands, (paragraphs # 0012 & #0023);

the said communications module being set up such that it is able to interconnect at least two of the said communication participants who have selected a common communication forum for a round of communication, in which the said communication participants communicate by means of spoken language, (conferences), over a said telecommunications network, (Abstract; paragraphs #0007 & #0011-0013) wherein

- the command module is moreover set up such that it is able to receive over the said telecommunications networks said commands entered by the said communication participants by means of the said communication terminals, (paragraphs # 0011-0023).

Thus, Claims 1 & 12 are found to be unpatentable over considerable consideration of the teachings of Savage.

4. Regarding Claims 3 & 14, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network, wherein the communication participants select, via a menu structure, a communication forum from a list of defined communication forums or define a new communication forum, a defined communication forum being assigned a designation, designating for example a topic,

(paragraphs #0011-0023, #0120 & Fig. 13). Examiner notes that the use of a menu (design) structure for conference/forum selection purposes by designation would have been obvious to incorporate within a conference-enabled web page and would obviously include any designation. Thus, Claims 3 & 14 are found to be unpatentable over considerable consideration of the teachings of Savage.

5. Regarding Claims 4 & 15, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network, wherein the menu structure is displayed on a display of the said communications terminals, and the communication forum is selected or defined by means of operating elements of the communications terminals, (paragraphs #0011-0023, #0120 & Fig. 13). Examiner notes that the use of a menu (design) structure for conference/forum selection purposes by designation would have been obvious to incorporate within a conference-enabled web page. Thus, Claims 4 & 15 are found to be unpatentable over considerable consideration of the teachings of Savage.

6. Regarding Claims 6 & 16, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network, (paragraphs #0011-0023). Savage does not specifically enumerate communication forum participation limitations based upon assigned geographic area. Examiner notes that limitation by geographic distinction would have been obvious as such limitations are well known in the "chat room" art for purposes of chat room designation, participation and limitation. As Savage discloses a conference (chat) system, it would have been obvious

to incorporate geographic limitations into the same. Thus, Claims 6 & 16 are found to be unpatentable over considerable consideration of the teachings of Savage.

7. Regarding Claims 7 & 17, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network wherein access to a said communication forum can be denied to an interested communication participant, (paragraphs #0011-0023). Examiner notes that an interested participant may be denied in a number of ways, including non-validation, non-existence, or over capacity, all of which would have been obvious in light of the teachings of Savage. Thus, Claims 7 & 17 are found to be unpatentable over considerable consideration of the teachings of Savage.

8. Regarding Claims 8 & 18, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network wherein the said communications terminals are interconnected for a said communication round by means of conference circuit, (Abstract & paragraph #0011). Thus, Claims 8 & 18 are found to be unpatentable over considerable consideration of the teachings of Savage.

9. Regarding Claims 9 & 19, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network wherein one of the said communication participants registers for a communication forum when no other communication participant has yet selected the respective communication forum, and a round of communication between the registered communication participant and at least one other communication participant begins when this at least one other communication participant has selected the respective communication forum, (Abstract & paragraphs

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#0011-0023). Thus, Claims 9 & 19 are found to be unpatentable over considerable consideration of the teachings of Savage.

10. Regarding Claims 11 & 21, Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network. Savage does not specifically enumerate wherein at least certain of the said communication forums have a temporally limited availability, however, the same would have been obvious in light Savage which teaches time stamping client conference participation. Examiner notes that Savage provides for a time-notification functionality in addition to a conference creation and deletion functionality wherein a temporally limited conference would be an obvious means by which to limit conference participation so as to not exceed server capacity, as a preventative means. Thus, Claims 11 & 21 are found to be unpatentable over considerable consideration of the teachings of Savage.

11. Claims 2, 5, 10, 13 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of US Patent Pub. US 2001/0009014 A1 to Savage in view of US Patent US 6,173,250 B1 to Jong.

12. Regarding Claims 2 & 13, Savage is relied upon for those teachings disclosed herein. Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network. Savage does not specifically enumerate wherein at least certain of the said communications terminals are mobile devices, and the said communications network comprises at least one mobile network. Jong discloses a telecommunications network wherein the subscriber terminals may be wireless telephones, (obviously on a wireless network, (Jong – Col. 2, lines 65-67 & Col.

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3, lines 1-4), which subscriber terminals may participate in chat communication, (Jong – Col. 4, lines 57-58). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to combine the teachings of Savage and Jong to provide reliable, high quality communications over the dedicated connections of the public telephone infrastructure, (Savage – paragraph #0003). As a wireless phone network is a public phone network, it would have been obvious to incorporate the same into the telecommunication teachings of Savage. Thus Claims 2 & 13 are found to be unpatentable over the combined teachings of Savage in view of Jong.

13. Regarding Claim 5, Savage is relied upon for those teachings disclosed herein. Savage discloses a method and apparatus for facilitating conferences between a plurality of participants on a network. Savage does not specifically enumerate wherein the communication forum is selected or defined under speech-controlled menu guidance. Jong discloses a chat site wherein communication is initiated via a speech-controlled device, (Col. 5, lines 4-11). Examiner notes that it would have been obvious to use the Jong speech-to-text transmit system for purposes other than communication initiation, as said system serves to recognize spoken words and convert the same to text. Thus, the Jong speech-to-text functionality could easily be used in conjunction with a menu means for purposes of facilitating conferences within the system. Thus Claim 5 is found to be unpatentable over the combined teachings of Savage in view of Jong.

14. Regarding Claims 10 & 20, Savage is relied upon for those teachings disclosed herein. Savage discloses a method and apparatus for facilitating conferences between



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a plurality of participants on a network. Savage does not specifically enumerate wherein one of the said communication participants registers for at least one communication forum specifying in addition at least one other communication participant as a communication partner for the respective communication forum, so that he is notified when a specified communication partner has selected a respective communication forum. Jong discloses a "chat" communication forum that includes lists of current chat participants wherein members may designate specific communication partners, (Jong – Col. 5, lines 57-67 & Col. 5, lines 1-34). Examiner notes that in designating a specific communication partner, said designee will obviously notify other participants of his/her interest to participate in the communication forum by his/her joining of the same, as noted by said list. Thus Claims 10 & 20 are found to be unpatentable over the combined teachings of Savage in view of Jong.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 5,999,525 to Krishnaswamy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

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